**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.5207 OF 2006**
**IN**
**FIRST APPEAL ST.NO.28976 OF 2006**

M/s.Manish Techno Works ..Applicant

V/s.

Vipul K. Shah and ors. ..Respondents

Mr.K.B.Sonwalkar, Advocate for the Applicant
Mr.Harnam Singh Khalsa & A.K.Saxena for the Respondent No.1

**CORAM : A.S.OKA, J.**

**DATE : JANUARY 19, 2007**

**P.C.**

1. Heard Advocate for the Applicant. The Application is strongly opposed by the Advocate for the Respondent No.1 by pointing out that there is no justification for delay. Considering averments made in the application, sufficient cause is made out for condonation of delay. However, the first Respondent will have to be compensated by payment of costs as the delay is of more than 400 days. Hence, I pass following order.

**O R D E R**

I. Rule is made absolute in terms of prayer clause (a) subject to Applicant paying cost of Rs.5000/- to the first Respondent within a period of four weeks from today.

II. Payment of costs will be condition precedent. The deposit of the amount of cost in this Court within the stipulated time will be treated as a substantial compliance with this order.

III. Place the Appeal for admission on 27th February, 2007. The Appeal will be placed on board only if the amount of costs is deposited.

**(A.S.OKA, J.)**